



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

Marine Region

20 Lower Ragsdale Drive, Suite #100

Monterey, CA 93940

(831) 649-2870

May 23, 2003

Mr. Jonathan Gervais
Golden Gate National Recreation Area
Fort Mason, Building 201
San Francisco, California 94123

Post-It™ brand fax transmittal memo 7671		# of pages = 2
To: Jonathan Gervais	From: Anna Jones for	
Col:	Cc: Eric Lawler	
Dept:	Phone #	
Fax # (415) 561-4190	Fax #	

Dear Mr. Gervais:

The Department of Fish and Game (Department) is responding to your request for comments on the scope of the Environmental Assessment (EA) that will evaluate the potential impacts of a long-term lease between the National Park Service (NPS) and the Fort Mason Foundation (FMF) for the continuing operation of the Fort Mason Center. A long-term lease, of up to 60 years, is proposed with additional responsibilities for the management of the Fort Mason Center to be assumed by the Fort Mason Foundation. The lease also will allow for the preservation and maintenance of the San Francisco Port of Embarkation National Historic Landmark District. With the proposed lease, the FMF will be able to raise monies to restore, preserve, and maintain the various buildings and structures to ensure that the Landmark District retains its integrity. However, the NPS will retain responsibility for the pier substructures and the seawall, while the FMF will be responsible for the rehabilitation and renovation of Pier One.

The Department is a trustee agency in terms of the California Environmental Quality Act. Our primary objective for reviewing environmental documents is to be able to provide the project sponsor with recommendations for avoiding or minimizing negative impacts to fish and wildlife, and California's environmental resources, their use and users. In attempting to meet this objective, our attention is usually focused upon potential habitat damage or loss, acute or chronic effects to fish and wildlife from changes in habitat quality, and any possible resource use conflicts.

In our review of the EA, we will need to be able to identify and evaluate all activities in both the construction and operational phases of the project which may impact fish and wildlife populations or their habitats, energy supplies, and reproductive requirements. We also will need to be aware of how and where the project would modify opportunities for the public use and enjoyment of the living resources of the State.

Conserving California's Wildlife Since 1870

Mr. Jonathan Gervais
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Page Two

A complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, and locally unique species and sensitive habitats should be identified and described. Surveys for potential use of affected construction areas by special status species, should be included in the EA. The presence of any vegetated intertidal or subtidal areas at the project site also is of particular concern to the Department. Any potential impacts which relate to these resource values should be thoroughly described, and discussed in conjunction with compensation for unavoidable, project-induced losses. Compensation for direct impacts to fish and wildlife habitat should be proposed in the form of habitat replacement, restoration, and improvement.

The Federal guidelines under the Secretary of the Interior standards, for preservation, restoration, or rehabilitation of historic properties may include the use of materials that are deleterious to aquatic and terrestrial species. The EA should describe all potential material(s) that could be used in the restoration of the buildings and Pier One and the potential effects from usage to impacted species and their habitats. Effects to species, due to construction impacts and expansion of programs, that need to be evaluated may include: noise disturbance, habitat loss due to lay down areas, habitat loss due to expansion of building footprints or parking areas, contact with pollution from construction activities (litter, petroleum products, cleaning agents, etc.), expansion of programs at Pier One, and increased public access to the waterfront. In addition, a section on potential effects to herring is recommended due to their historic and continuing use of the San Francisco waterfront as a spawning area.

Thank you for the opportunity to express our comments and concerns regarding the scope of the EA and look forward to reviewing it. As always, Department personnel are available to discuss our comments, concerns, and recommendations in greater detail. To arrange for a discussion please contact Deborah Johnston, 20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940 or telephone (831) 649-7141.

Sincerely,



ERIC J. LARSON
Northern California Marine Manager/
Bays and Estuaries Ecosystem
Coordinator
Marine Region-Belmont

cc: Ms. Mai-Liis Bartling, Acting Superintendent
Ms. Terry Palmisano, CCR Monterey
Ms. Deborah Johnston, MR Monterey



IN REPLY REFER TO
1-1-03-SP-1983

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825

MAY 16 2003

Memorandum

To: Superintendent, Golden Gate National Recreation Area, San Francisco, California
(Attn.: Gervais)

From: Chief, Endangered Species Division, Sacramento Fish and Wildlife Office,
Fish and Wildlife Service, Sacramento, California

Subject: Species List for Environmental Assessment for the Long-Term Lease of Fort
Mason Center from National Park Service to the Fort Mason Foundation, San
Francisco County, California

We are sending the enclosed list in response to your April 30, 2003, request for information about endangered and threatened species (Enclosure A). This list fulfills the requirement of the Fish and Wildlife Service (Service) to provide species lists under section 7(c) of the Endangered Species Act of 1973, as amended (Act).

The animal species on the Enclosure A quad list are those species we believe may occur within, *or be affected by projects within*, the following USGS quads, where your project is planned: Point Bonita Quad.

Any plants on the quad list are ones *that have actually been observed* in the project quad(s). Plants may occur in a quad without having been observed there. Therefore we have included a species list for the whole county in which your project occurs. We recommend that you survey for any relevant plants shown on this list.

Fish and other aquatic species appear on your list if they are in the same watershed as your quad or if water use in your quad might affect them. Amphibians will be on the list for a quad or county if pesticides applied in that area may be carried to their habitat by air currents.

Executive Order 13186, January 17, 2001, directs Federal agencies to take specific steps to conserve migratory birds. *Species of Concern* (see below) are specifically included in this Executive Order. (The Order can be found at www.nara.gov/fedreg/eo.html) Birds are shown on our species lists regardless of whether they are resident or migratory. Relevant birds on the county list should be considered regardless of whether they appear on a quad list.

If a species has been listed as threatened or endangered by the State of California, but not by us nor by the National Marine Fisheries Service, it will appear on your list as a Species of Concern. *However you must contact the California Department of Fish and Game for official information about these species.* Call (916) 322-2493 or write Marketing Manager, California Department of Fish and Game, Natural Diversity Data Base, 1416 Ninth Street, Sacramento, California 95814.

Some of the species listed in Enclosure A may not be affected by the proposed action. A trained biologist or botanist, familiar with the habitat requirements of the listed species, should determine whether these species or habitats suitable for them may be affected. For plants, we recommend using the enclosed Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Species (Enclosure C).

Some pertinent information concerning the distribution, life history, habitat requirements, and published references for the listed species is available upon request. This information may be helpful in preparing the biological assessment for this project, if one is required. Please see Enclosure B for a discussion of the responsibilities Federal agencies have under section 7(c) of the Act and the conditions under which a biological assessment must be prepared by the lead Federal agency or its designated non-Federal representative.

Formal consultation, under 50 CFR § 402.14, should be initiated if you determine that a listed species may be affected by the proposed project. If you determine that a proposed species may be adversely affected, you should consider requesting a conference with our office under 50 CFR § 402.10. Informal consultation may be utilized prior to a written request for formal consultation to exchange information and resolve conflicts with respect to a listed species. If a biological assessment is required, and it is not initiated within 90 days of your receipt of this letter, you should informally verify the accuracy of this list with our office.

When a species is listed as endangered or threatened, areas of habitat considered essential to its conservation may be designated as *critical habitat*. These areas may require special management considerations or protection. They provide needed space for growth and normal behavior; food, water, air, light, other nutritional or physiological requirements; cover or shelter; and sites for breeding, reproduction, rearing of offspring, germination or seed dispersal. Although critical

habitat may be designated on private or State lands, activities on these lands are not restricted unless there is Federal involvement in the activities or direct harm to listed wildlife.

If any species has proposed or designated critical habitat within a quad, this will be noted on the species list. Maps and boundary descriptions of the critical habitat may be found in the *Federal Register*. The information is also reprinted in the *Code of Federal Regulations* (50 CFR 17.95).

Candidate species are being reviewed for possible listing. Contact our office if your biological assessment reveals any candidate species that might be adversely affected. Although they currently have no protection under the Endangered Species Act, one or more of them could be proposed and listed before your project is completed. By considering them from the beginning, you could avoid problems later.

Your list may contain a section called *Species of Concern*. This term includes former *category 2 candidate species* and other plants and animals of concern to the Service and other Federal, State and private conservation agencies and organizations. Some of these species may become candidate species in the future.

If the proposed project will impact wetlands, riparian habitat, or other jurisdictional waters as defined by the U.S. Army Corps of Engineers (Corps), a Corps permit will be required, under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act. Impacts to wetland habitats require site specific mitigation and monitoring. You may request a copy of the Service's General Mitigation and Monitoring Guidelines or submit a detailed description of the proposed impacts for specific comments and recommendations. If you have any questions regarding wetlands, contact Mark Littlefield at (916) 414-6580.

Please contact Dan Buford at (916) 414-6625, if you have any questions about the attached list or your responsibilities under the Endangered Species Act. For the fastest response to species list requests, address them to the attention of Species Lists at this address. You may fax requests to 414-6712 or 414-6713. You may also email them to harry_mossman@fws.gov.

Attachments

Attachment B

FEDERAL AGENCIES' RESPONSIBILITIES UNDER SECTIONS 7(a) and (c) OF THE ENDANGERED SPECIES ACT

SECTION 7(a) Consultation/Conference

Requires: (1) Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species; (2) Consultation with FWS when a Federal action may affect a listed endangered or threatened species to insure that any action authorized, funded, or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The process is initiated by the Federal agency after determining the action may affect a listed species; and (3) Conference with FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat.

SECTION 7(c) Biological Assessment-Major Construction Activity¹

Requires Federal agencies or their designees to prepare a Biological Assessment (BA) for major construction activities. The BA analyzes the effects of the action² on listed and proposed species. The process begins with a Federal agency requesting from FWS a list of proposed and listed threatened and endangered species. The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the list, the accuracy of the species list should be informally verified with our Service. No irreversible commitment of resources is to be made during the BA process which would foreclose reasonable and prudent alternatives to protect endangered species. Planning, design, and administrative actions may proceed; however, no construction may begin.

We recommend the following for inclusion in the BA: an on-site inspection of the area affected by the proposal which may include a detailed survey of the area to determine if the species or suitable habitat is present; a review of literature and scientific data to determine species' distribution, habitat needs, and other biological requirements; interviews with experts, including those within FWS, State conservation departments, universities and others who may have data not yet published in scientific literature; an analysis of the effects of the proposal on the species in terms of individuals and populations, including consideration of indirect effects of the proposal on the species and its habitat; an analysis of alternative actions considered. The BA should document the results, including a discussion of study methods used, and problems encountered, and other relevant information. The BA should conclude whether or not a listed or proposed species will be affected. Upon completion, the BA should be forwarded to our office.

¹A construction project (or other undertaking having similar physical impacts) which is a major federal action significantly affecting the quality of the human environment as referred to in NEPA (42 U.S.C. 4332(2)(C)).

²"Effects of the action" refers to the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action.

Attachment C

GUIDELINES FOR CONDUCTING AND REPORTING BOTANICAL INVENTORIES FOR FEDERALLY LISTED, PROPOSED AND CANDIDATE PLANTS

(September 23, 1996)

These guidelines describe protocols for conducting botanical inventories for federally listed, proposed and candidate plants, and describe minimum standards for reporting results. The Service will use, in part, the information outlined below in determining whether the project under consideration may affect any listed, proposed or candidate plants, and in determining the direct, indirect, and cumulative effects.

Field inventories should be conducted in a manner that will locate listed, proposed, or candidate species (target species) that may be present. The entire project area requires a botanical inventory, except developed agricultural lands. The field investigator(s) should:

1. Conduct inventories at the appropriate times of year when target species are present and identifiable. Inventories will include all potential habitats. Multiple site visits during a field season may be necessary to make observations during the appropriate phenological stage of all target species.
2. If available, use a regional or local reference population to obtain a visual image of the target species and associated habitat(s). If access to reference populations(s) is not available, investigators should study specimens from local herbaria.
3. List every species observed and compile a comprehensive list of vascular plants for the entire project site. Vascular plants need to be identified to a taxonomic level which allows rarity to be determined.
4. Report results of botanical field inventories that include:
 - a. a description of the biological setting, including plant community, topography, soils, potential habitat of target species, and an evaluation of environmental conditions, such as timing or quantity of rainfall, which may influence the performance and expression of target species.
 - b. a map of project location showing scale, orientation, project boundaries, parcel size, and map quadrangle name.
 - c. survey dates and survey methodology(ies).
 - d. if a reference population is available, provide a written narrative describing the target species reference population(s) used, and date(s) when observations were made.
 - e. a comprehensive list of all vascular plants occurring on the project site for each habitat type.
 - f. current and historic land uses of the habitat(s) and degree of site alteration.

- g. presence of target species off-site on adjacent parcels, if known.
 - h. an assessment of the biological significance or ecological quality of the project site in a local and regional context.
5. If target species is(are) found, report results that additionally include:
- a. a map showing federally listed, proposed and candidate species distribution as they relate to the proposed project.
 - b. if target species is (are) associated with wetlands, a description of the direction and integrity of flow of surface hydrology. If target species is (are) affected by adjacent off-site hydrological influences, describe these factors.
 - c. the target species phenology and microhabitat, an estimate of the number of individuals of each target species per unit area; identify areas of high, medium and low density of target species over the project site, and provide acres of occupied habitat of target species. Investigators could provide color slides, photos or color copies of photos of target species or representative habitats to support information or descriptions contained in reports.
 - d. the degree of impact(s), if any, of the proposed project as it relates to the potential unoccupied habitat of target habitat.
6. Document findings of target species by completing California Native Species Field Survey Form(s) and submit form(s) to the Natural Diversity Data Base. Documentation of determinations and/or voucher specimens may be useful in cases of taxonomic ambiguities, habitat or range extensions.
7. Report as an addendum to the original survey, any change in abundance and distribution of target plants in subsequent years. Project sites with inventories older than 3 years from the current date of project proposal submission will likely need additional survey. Investigators need to assess whether an additional survey(s) is (are) needed.
8. Adverse conditions may prevent investigator(s) from determining presence or identifying some target species in potential habitat(s) of target species. Disease, drought, predation, or herbivory may preclude the presence or identification of target species in any year. An additional botanical inventory(ies) in a subsequent year(s) may be required if adverse conditions occur in a potential habitat(s). Investigator(s) may need to discuss such conditions.
9. Guidance from California Department of Fish and Game (CDFG) regarding plant and plant community surveys can be found in Guidelines for Assessing the Effects of Proposed Developments on Rare and Endangered Plants and Plant Communities, 1984. Please contact the CDFG Regional Office for questions regarding the CDFG guidelines and for assistance in determining any applicable State regulatory requirements.

ATTACHMENT A

Endangered and Threatened Species that May Occur in or be Affected by
Projects in the Area of the Following California Counties
Reference File No. 1-1-03-SP-1983
May 15, 2003

SAN FRANCISCO COUNTY

Listed Species

Mammals

Critical Habitat, Steller (=northern) sea-lion, *Eumetopias jubatus* (T) NMFS
Guadalupe fur seal, *Arctocephalus townsendi* (T) NMFS
Steller (=northern) sea-lion, *Eumetopias jubatus* (T) NMFS
blue whale, *Balaenoptera musculus* (E) NMFS
finback (=fin) whale, *Balaenoptera physalus* (E) NMFS
humpback whale, *Megaptera novaeangliae* (E) NMFS
right whale, *Eubalaena glacialis* (E) NMFS
salt marsh harvest mouse, *Reithrodontomys raviventris* (E)
sei whale, *Balaenoptera borealis* (E) NMFS
sperm whale, *Physeter catodon* (=macrocephalus) (E) NMFS

Birds

California brown pelican, *Pelecanus occidentalis californicus* (E)
California clapper rail, *Rallus longirostris obsoletus* (E)
bald eagle, *Haliaeetus leucocephalus* (T)
short-tailed albatross, *Diomedea albatrus* (E)
western snowy plover, *Charadrius alexandrinus nivosus* (T)

Reptiles

green turtle, *Chelonia mydas* (incl. *agassizi*) (T) NMFS
leatherback turtle, *Dermochelys coriacea* (E) NMFS
loggerhead turtle, *Caretta caretta* (T) NMFS
olive (=Pacific) ridley sea turtle, *Lepidochelys olivacea* (T) NMFS

Amphibians

California red-legged frog, *Rana aurora draytonii* (T)

Fish

Central California Coastal steelhead, *Oncorhynchus mykiss* (T) NMFS
Critical habitat, winter-run chinook salmon, *Oncorhynchus tshawytscha* (E) NMFS
Sacramento splittail, *Pogonichthys macrolepidotus* (T)
coho salmon - central CA coast, *Oncorhynchus kisutch* (T) NMFS
delta smelt, *Hypomesus transpacificus* (T) *
tidewater goby, *Eucyclogobius newberryi* (E)

winter-run chinook salmon, *Oncorhynchus tshawytscha* (E) NMFS

Invertebrates

San Bruno elfin butterfly, *Incisalia mossii bayensis* (E)

mission blue butterfly, *Icaricia icarioides missionensis* (E)

white abalone, *Haliotis sorenseni* (E) NMFS

Plants

Marin dwarf-flax (=western flax), *Hesperolinon congestum* (T)

Presidio (=Raven's) manzanita, *Arctostaphylos hookeri ssp. ravenii* (E)

Presidio clarkia, *Clarkia franciscana* (E)

San Francisco lessingia, *Lessingia germanorum* (E)

beach layia, *Layia carnosa* (E)

marsh sandwort, *Arenaria paludicola* (E)

Candidate Species

Fish

green sturgeon, *Acipenser medirostris* (C)

Invertebrates

black abalone, *Haliotis cracherodii* (C) NMFS

Species of Concern

Mammals

Pacific western big-eared bat, *Corynorhinus (=Plecotus) townsendii townsendii* (SC)

San Francisco dusky-footed woodrat, *Neotoma fuscipes annectens* (SC)

Yuma myotis bat, *Myotis yumanensis* (SC)

fringed myotis bat, *Myotis thysanodes* (SC)

gray whale, *Eschrichtius robustus* (D) NMFS

greater western mastiff-bat, *Eumops perotis californicus* (SC)

long-eared myotis bat, *Myotis evotis* (SC)

long-legged myotis bat, *Myotis volans* (SC)

salt marsh vagrant shrew, *Sorex vagrans halicoetes* (SC)

Birds

Alameda (South Bay) song sparrow, *Melospiza melodia pusillula* (SC)

Allen's hummingbird, *Selasphorus sasin* (SC)

American bittern, *Botaurus lentiginosus* (SC)

American peregrine falcon, *Falco peregrinus anatum* (D)

Bell's sage sparrow, *Amphispiza belli belli* (SC)

Cassin's auklet, *Ptychoramphus aleuticus* (SC)

Harlequin duck, *Histrionicus histrionicus* (SC)

Vaux's swift, *Chaetura vauxi* (SC)
Xantus' murrelet, *Synthliboramphus hypoleucus* (SC)
ashy storm-petrel, *Oceanodroma homochroa* (SC)
bank swallow, *Riparia riparia* (CA)
black oystercatcher, *Haematopus bachmani* (SC)
black rail, *Laterallus jamaicensis coturniculus* (CA)
black skimmer, *Rynchops niger* (SC)
black turnstone, *Arenaria melanocephala* (SC)
black-footed albatross, *Diomedea nigripes* (SC)
elegant tern, *Sterna elegans* (SC)
ferruginous hawk, *Buteo regalis* (SC)
little willow flycatcher, *Empidonax traillii brewsteri* (CA)
loggerhead shrike, *Lanius ludovicianus* (SC)
long-billed curlew, *Numenius americanus* (SC)
marbled godwit, *Limosa fedoa* (SC)
olive-sided flycatcher, *Contopus cooperi* (SC)
red knot, *Calidris canutus* (SC)
red-breasted sapsucker, *Sphyrapicus ruber* (SC)
rufous hummingbird, *Selasphorus rufus* (SC)
saltmarsh common yellowthroat, *Geothlypis trichas sinuosa* (SC)
tricolored blackbird, *Agelaius tricolor* (SC)
whimbrel, *Numenius phaeopus* (SC)
white-tailed (=black shouldered) kite, *Elanus leucurus* (SC)

Reptiles

California horned lizard, *Phrynosoma coronatum frontale* (SC)
northwestern pond turtle, *Clemmys marmorata marmorata* (SC)
southwestern pond turtle, *Clemmys marmorata pallida* (SC)

Amphibians

foothill yellow-legged frog, *Rana boylei* (SC)

Fish

Pacific lamprey, *Lampetra tridentata* (SC)
longfin smelt, *Spirinchus thaleichthys* (SC)
river lamprey, *Lampetra ayresi* (SC)

Invertebrates

Opler's longhorn moth, *Adela oplerella* (SC)
Ricksecker's water scavenger beetle, *Hydrochara rickseckeri* (SC)
bumblebee scarab beetle, *Lichnanthe ursina* (SC)

globose dune beetle, *Coelus globosus* (SC)
 sandy beach tiger beetle, *Cicindela hirticollis gravida* (SC)

Plants

California broomrape, *Orobanche californica* ssp. *californica* (SLC)
 California croton, *Croton californicus* (SLC)
 California goosefoot, *Chenopodium californicum* (SLC)
 California saltbush, *Atriplex californica* (SLC)
 California triquetrella moss, *Triquetrella californica* (SLC)
 Coast Indian paintbrush, *Castilleja affinis* spp. *affinis* (SLC)
 Davy's clarkia, *Clarkia davyi* (SLC)
 Diablo helianthella (=rock-rose), *Helianthella castanea* (SC) *
 Franciscan thistle, *Cirsium andrewsii* (SC)
 Greene's popcorn flower, *Plagiobothrys reticulatus* var. *rossianorum* (SC) *
 Kellogg's horkelia, *Horkelia cuneata* ssp. *sericea* (SC) *
 Mission Delores (=San Francisco) campion, *Silene verecunda* ssp. *verecunda* (SC)
 Nuttall's milk-vetch, *Astragalus nuttallii* var. *virgatus* (SLC)
 Pacific cordgrass (=California cordgrass), *Spartina foliosa* (SLC)
 Round-headed Chinese houses, *Collinsia corymbosa* (SC) *
 San Francisco (=bluehead, Chamisso's, dune) gilia, *Gilia capitata* ssp. *chamissonis* (SC)
 San Francisco Bay spineflower, *Chorizanthe cuspidata* var. *cuspidata* (SC)
 San Francisco gumplant, *Grindelia hirsutula* var. *maritima* (SC)
 San Francisco manzanita, *Arctostaphylos hookeri* ssp. *franciscana* (SC) **
 San Francisco owl's-clover, *Triphysaria floribunda* (SC)
 San Francisco popcornflower, *Plagiobothrys diffusus* (CA) *
 San Francisco wallflower, *Erysimum franciscanum* (SC)
 adobe sanicle, *Sanicula maritima* (SC) *
 alkali milk-vetch, *Astragalus tener* var. *tener* (SC) *
 coast (=elegant) rein-orchid (=piperia), *Piperia elegans* (SLC)
 coast lily, *Lilium maritimum* (SC) ?*
 coast rock-cress, *Arabis blepharophylla* (SLC)
 compact cobweb thistle, *Cirsium occidentale* var. *compactum* (SC) *
 curly-leaved (=curlyleaf) monardella, *Monardella undulata* (SC) *
 dune (=camphor) tansy, *Tanacetum camphoratum* (SC)
 fragrant fritillary (=prairie bells), *Fritillaria liliacea* (SC)
 large-flowered (=flower) linanthus, *Linanthus grandiflorus* (SC)
 marsh microseris (=marsh silverpuffs), *Microseris paludosa* (SLC) *
 pink sand-verbena, *Abronia umbellata* ssp. *umbellata* (SLC)

purple owl's-clover (=wideleaf Indian paintbrush), *Castilleja exserta* ssp. *latifolia* (SLC)
 rose linanthus, *Linanthus rosaceus* (SC) *
 salt marsh owl's clover (=johnny-nip), *Castilleja ambigua* ssp. *ambigua* (SLC)
 seashore (=coast, =beach) starwort, *Stellaria littoralis* (SC) *
 skunkbush, *Navarretia squarrosa* (SLC)
 wedgeleaf horkelia, *Horkelia cuneata* ssp. *cuneata* (SLC) *
 yarrow-leaf (=manyleaf, dark-eyed) gilia, *Gilia millefoliata* (SLC) *

KEY:

(E)	<i>Endangered</i>	Listed (in the Federal Register) as being in danger of extinction.
(T)	<i>Threatened</i>	Listed as likely to become endangered within the foreseeable future.
(P)	<i>Proposed</i>	Officially proposed (in the Federal Register) for listing as endangered or threatened.
(PX)	<i>Proposed Critical Habitat</i>	Proposed as an area essential to the conservation of the species.
(C)	<i>Candidate</i>	Candidate to become a <i>proposed</i> species.
(SC)	<i>Species of Concern</i>	Other species of concern to the Service.
(SLC)	<i>Species of Local Concern</i>	Species of local or regional concern or conservation significance.
(D)	<i>Delisted</i>	Delisted. Status to be monitored for 5 years.
(CA)	<i>State-Listed</i>	Listed as threatened or endangered by the State of California.
NMFS	NMFS species	Under jurisdiction of the National Marine Fisheries Service. Contact them directly.
*	<i>Extirpated</i>	Possibly extirpated from the area.
**	<i>Extinct</i>	Possibly extinct
	<i>Critical Habitat</i>	Area essential to the conservation of a species.

ATTACHMENT A
Endangered and Threatened Species that May Occur in
or be Affected by Projects in the Selected Quads Listed Below
Reference File No. 1-1-03-SP-1983
May 15, 2003

QUAD: 467D POINT BONITA

Listed Species

Mammals

Guadalupe fur seal, *Arctocephalus townsendi* (T) NMFS
sei whale, *Balaenoptera borealis* (E) NMFS
blue whale, *Balaenoptera musculus* (E) NMFS
finback (=fin) whale, *Balaenoptera physalus* (E) NMFS
right whale, *Eubalaena glacialis* (E) NMFS
Critical Habitat, Steller (=northern) sea-lion, *Eumetopias jubatus* (T) NMFS
Steller (=northern) sea-lion, *Eumetopias jubatus* (T) NMFS
sperm whale, *Physeter catodon* (=macrocephalus) (E) NMFS
salt marsh harvest mouse, *Reithrodontomys raviventris* (E)

Birds

Critical habitat, marbled murrelet, *Brachyramphus marmoratus* (T)
marbled murrelet, *Brachyramphus marmoratus* (T)
western snowy plover, *Charadrius alexandrinus nivosus* (T)
short-tailed albatross, *Diomedea albatrus* (E)
bald eagle, *Haliaeetus leucocephalus* (T)
California brown pelican, *Pelecanus occidentalis californicus* (E)
California clapper rail, *Rallus longirostris obsoletus* (E)
California least tern, *Sterna antillarum* (=albifrons) browni (E)

Reptiles

loggerhead turtle, *Caretta caretta* (T) NMFS
green turtle, *Chelonia mydas* (incl. agassizi) (T) NMFS
leatherback turtle, *Dermochelys coriacea* (E) NMFS
olive (=Pacific) ridley sea turtle, *Lepidochelys olivacea* (T) NMFS

Amphibians

California red-legged frog, *Rana aurora draytonii* (T)

Fish

tidewater goby, *Eucyclogobius newberryi* (E)
delta smelt, *Hypomesus transpacificus* (T)
Critical habitat, coho salmon - central CA coast, *Oncorhynchus kisutch* (T) NMFS

coho salmon - central CA coast, *Oncorhynchus kisutch* (T) NMFS
 Central California Coastal steelhead, *Oncorhynchus mykiss* (T) NMFS
 Central Valley steelhead, *Oncorhynchus mykiss* (T) NMFS
 winter-run chinook salmon, *Oncorhynchus tshawytscha* (E) NMFS
 California coastal chinook salmon, *Oncorhynchus tshawytscha* (T) NMFS
 Central Valley spring-run chinook salmon, *Oncorhynchus tshawytscha* (T) NMFS
 Sacramento splittail, *Pogonichthys macrolepidotus* (T)

Invertebrates

white abalone, *Haliotis sorenseni* (E) NMFS
 mission blue butterfly, *Icaricia icarioides missionensis* (E)
 San Bruno elfin butterfly, *Incisalia mossii bayensis* (E)

Plants

Sonoma spineflower, *Chorizanthe valida* (E) *
 white-rayed pentachaeta, *Pentachaeta bellidiflora* (E) *

Candidate Species

Fish

green sturgeon, *Acipenser medirostris* (C)
 Central Valley fall/late fall-run chinook salmon, *Oncorhynchus tshawytscha* (C) NMFS
 Critical habitat, Central Valley fall/late fall-run chinook, *Oncorhynchus tshawytscha* (C) NMFS

Invertebrates

black abalone, *Haliotis cracherodii* (C) NMFS

Species of Concern

Mammals

Point Reyes mountain beaver, *Aplodontia rufa phaea* (SC)
 Pacific western big-eared bat, *Corynorhinus (=Plecotus) townsendii townsendii* (SC)
 gray whale, *Eschrichtius robustus* (D) NMFS
 greater western mastiff-bat, *Eumops perotis californicus* (SC)
 long-eared myotis bat, *Myotis evotis* (SC)
 fringed myotis bat, *Myotis thysanodes* (SC)
 long-legged myotis bat, *Myotis volans* (SC)
 Yuma myotis bat, *Myotis yumanensis* (SC)
 San Francisco dusky-footed woodrat, *Neotoma fuscipes annectens* (SC)
 Point Reyes jumping mouse, *Zapus trinotatus orarius* (SC)

Birds

tricolored blackbird, *Agelaius tricolor* (SC)
 Bell's sage sparrow, *Amphispiza belli belli* (SC)

black turnstone, *Arenaria melanocephala* (SC)
western burrowing owl, *Athene cunicularia hypugaea* (SC)
ferruginous hawk, *Buteo regalis* (SC)
red knot, *Calidris canutus* (SC)
Vaux's swift, *Chaetura vauxi* (SC)
black swift, *Cypseloides niger* (SC)
white-tailed (=black shouldered) kite, *Elanus leucurus* (SC)
little willow flycatcher, *Empidonax traillii brewsteri* (CA)
prairie falcon, *Falco mexicanus* (SC)
American peregrine falcon, *Falco peregrinus anatum* (D)
saltmarsh common yellowthroat, *Geothlypis trichas sinuosa* (SC)
black oystercatcher, *Haematopus bachmani* (SC)
Harlequin duck, *Histrionicus histrionicus* (SC)
loggerhead shrike, *Lanius ludovicianus* (SC)
black rail, *Laterallus jamaicensis coturniculus* (CA)
marbled godwit, *Limosa fedoa* (SC)
Lewis' woodpecker, *Melanerpes lewis* (SC)
long-billed curlew, *Numenius americanus* (SC)
whimbrel, *Numenius phaeopus* (SC)
ashy storm-petrel, *Oceanodroma homochroa* (SC)
bank swallow, *Riparia riparia* (CA)
black skimmer, *Rynchops niger* (SC)
rufous hummingbird, *Selasphorus rufus* (SC)
Allen's hummingbird, *Selasphorus sasin* (SC)
elegant tern, *Sterna elegans* (SC)

Reptiles

northwestern pond turtle, *Clemmys marmorata marmorata* (SC)
California horned lizard, *Phrynosoma coronatum frontale* (SC)

Amphibians

Northern red-legged frog, *Rana aurora aurora* (SC)
foothill yellow-legged frog, *Rana boylei* (SC)

Fish

Pacific lamprey, *Lampetra tridentata* (SC)
longfin smelt, *Spirinchus thaleichthys* (SC)

Invertebrates

Opler's longhorn moth, *Adela oplerella* (SC)

sandy beach tiger beetle, *Cicindela hirticollis gravida* (SC)
 globose dune beetle, *Coelus globosus* (SC)
 Ricksecker's water scavenger beetle, *Hydrochara rickseckeri* (SC)
 Marin elfin butterfly, *Incisalia mossii marinensis* (SC)
 bumblebee scarab beetle, *Lichnanthe ursina* (SC)

Plants

pink sand-verbena, *Abronia umbellata* ssp. *umbellata* (SLC)
 coast rock-cress, *Arabis blepharophylla* (SLC)
 Nuttall's milk-vetch, *Astragalus nuttallii* var. *virgatus* (SLC)
 marsh milkvetch (=brine milk-vetch), *Astragalus pycnostachyus* var. *pycnostachyus* (SLC)
 California saltbush, *Atriplex californica* (SLC)
 Coast Indian paintbrush, *Castilleja affinis* spp. *affinis* (SLC)
 salt marsh owl's clover (=johnny-nip), *Castilleja ambigua* ssp. *ambigua* (SLC)
 purple owl's-clover (=wideleaf Indian paintbrush), *Castilleja exserta* ssp. *latifolia* (SLC)
 Franciscan thistle, *Cirsium andrewsii* (SC)
 Davy's clarkia, *Clarkia davyi* (SLC)
 Round-headed Chinese houses, *Collinsia corymbosa* (SC) *?
 Tiburon buckwheat, *Eriogonum caninum* (SLC)
 San Francisco wallflower, *Erysimum franciscanum* (SC)
 San Francisco (=bluehead, Chamisso's, dune) gilia, *Gilia capitata* ssp. *chamissonis* (SC)
 San Francisco gumplant, *Grindelia hirsutula* var. *maritima* (SC)
 Kellogg's horkelia, *Horkelia cuneata* ssp. *sericea* (SC) *
 large-flowered (=flower) linanthus, *Linanthus grandiflorus* (SC) *?
 curly-leaved (=curlyleaf) monardella, *Monardella undulata* (SC) *?

KEY:

(E)	<i>Endangered</i>	Listed (in the Federal Register) as being in danger of extinction.
(T)	<i>Threatened</i>	Listed as likely to become endangered within the foreseeable future.
(P)	<i>Proposed</i>	Officially proposed (in the Federal Register) for listing as endangered or threatened.
(PX)	<i>Proposed Critical Habitat</i>	Proposed as an area essential to the conservation of the species.
(C)	<i>Candidate</i>	Candidate to become a <i>proposed</i> species.
(SC)	<i>Species of Concern</i>	May be endangered or threatened. Not enough biological information has been gathered to support listing at this time.
(SLC)	<i>Species of Local Concern</i>	Species of local or regional concern or conservation significance.
(MB)	<i>Migratory Bird</i>	Migratory bird
NMFS	NMFS species	Under the jurisdiction of the National Marine Fisheries Service. Contact them directly.
(D)	<i>Delisted</i>	Delisted. Status to be monitored for 5 years.
(CA)	<i>State-Listed</i>	Listed as threatened or endangered by the State of California.
(*)	<i>Extirpated</i>	Possibly extirpated from this quad.
(**)	<i>Extinct</i>	Possibly extinct.
	<i>Critical Habitat</i>	Area essential to the conservation of a species.



June 9, 2003

John Gervais
Golden Gate National Recreation Area
Fort Mason, Building 201
San Francisco, California 94123

SUBJECT: Environmental Assessment for the Long-Term Lease of the Fort
Mason Center from the National Park Service to the Fort Mason
Foundation

Dear Mr. Gervais:

On May 6, 2003, San Francisco Bay Conservation and Development Commission (Commission) staff received your letter regarding the preparation of an Environmental Assessment that will evaluate the potential impacts of a 60-year lease between the National Park Service (NPS) and the Fort Mason Foundation (FMF) for the continuing operation of the Fort Mason Center (FMC). Your letter states that under the new lease agreement, FMF would: (1) perform all functions under the current agreement; and (2) assume responsibility for the maintenance of the site, including the seismic upgrading of the historic buildings and rehabilitation and renovation of Pier One. Under the new lease agreement, the NPS would also remain responsible for the rehabilitation and maintenance of all the pier substructures and the seawall. Your letter requests the identification of any significant environmental issues that may be related to the new long-term lease agreement. Outlined below are the types of environmental and policy issues staff believes could be raised as a result of this project. First, however, we would like to take this opportunity to inform you that we believe the submittal of a consistency determination to the Commission will be necessary for this project.

Need for a Consistency Determination

Section 307(c)(1) of the federal Coastal Zone Management Act (CZMA) requires a federal agency such as the National Park Service to conduct its activities that would affect the coastal zone in a manner that is consistent to the maximum extent practicable with the federally-approved coastal management

program for the part of the coastal zone that the activity would affect. The coastal zone for San Francisco Bay includes the Commission's San Francisco Bay and shoreline band jurisdictions under the McAtcer-Petris Act. However, the CZMA exempts from the coastal zone federal enclaves and federal lands subject to the exclusive jurisdiction of the federal government. The Commission's federally approved management program for the San Francisco Bay segment of the California coastal zone acknowledges that this exemption applies to all federally-owned and federally leased lands, at least until a court decision concludes otherwise or Congress changes the law.

The Commission staff believes that FMF would need to obtain a Commission permit for rehabilitation and renovation of Pier One and the other pier structures and seawall. The Commission staff also believes that NPS should submit a consistency determination for the lease with FMF and the future work that the lease will require FMF to complete.

Consistency with the McAtcer-Petris Act and the San Francisco Bay Plan.

When the Commission evaluates the types of activities that would result from the long-term lease, particularly maintenance and rehabilitation of the FMC facilities on piers constructed prior to 1965, it must determine whether the Commission will apply only those McAtcer-Petris Act and San Francisco Bay Plan policies that apply to activities that occur within the Commission's shoreline band jurisdiction or whether the Commission will apply those policies that apply to activities that occur within San Francisco Bay. In making this determination concerning a pier that was originally constructed before the Commission obtained its jurisdiction over activities that occur in San Francisco Bay, the Commission relies on two informal opinions of the California Attorney General's office dated October 8, 1986 and a second opinion dated October 9, 1992.

In these opinions, the Attorney General's office advised the Commission that when a proposed development upon a pier involves work to the pier itself or its substructure, the scope of the Commission's permit review, and whether the Commission's "Bay" jurisdiction is triggered, varies with the physical extent, nature, and purpose of the work. The Attorney General's office advised that routine repairs, such as those that are necessary to keep pace with the ordinary wear and tear suffered by an existing structure do not change the essential utility of the structure or allow the structure to be perpetuated indefinitely through the periodic repetitions of such work, would not affect the Commission's applying its shoreline band policies to piers that were constructed prior September 17, 1965, the date the Commission obtained its permit jurisdiction over San Francisco Bay. However, the Attorney General's office also advised that "...[a]nything beyond such routine repairs tends toward creation of what is essentially a 'new' structure, in that the structure is, at the very least, one that is significantly different from

what existed prior to the work in terms of its utility or life expectancy or the time period that will be necessary to amortize its overall cost...Accordingly, any such work on a pier should be treated as 'further filling' of the Bay within the meaning of Section 66605...." Therefore, the Attorney General's office concluded that the Commission should evaluate the following factors when deciding whether a proposed fill project is a minor modification, which the Commission would review under its shoreline band policies, or involves substantial work to replace, stabilize, or reinforce the existing structure, which the Commission would review under the more restrictive policies that apply to the placement of fill in San Francisco Bay: (1) the nature of the work; (2) the physical extent of the work; and (3) whether or not the work is proposed in conjunction with a proposed change in the type of use supported by the pier.

If the work proposed for the piers goes beyond routine repair and maintenance, the Commission must evaluate the proposed project for consistency with Commission policies that apply to the placement of fill within San Francisco Bay rather than policies that apply to activities within the shoreline band.

1. **Section 66605 of the McAteer-Petris Act.** Among other requirements, Section 66605 of the McAteer-Petris Act requires that fill in the Bay should only be authorized when: (1) the public benefits from the fill clearly exceed public detriment from the loss of water areas; (2) the fill is limited to water-oriented uses or minor fill to improve shoreline appearance or public access; (3) there is no alternative upland location; (4) the fill is the minimum amount necessary; (5) the fill minimizes harmful effects to the bay, such as the reduction or impairment of the volume, surface area, or circulation of water, water quality, fertility of marshes or fish and wildlife resources; and (6) that the fill will, to the maximum extent feasible, establish a permanent shoreline.
2. **Regulation Section 10704.** If the current uses of the pier are not necessarily water-oriented, as specified in Section 66605(a) of the McAteer-Petris Act, then Regulation Section 10704 becomes important. Regulation Section 10704 states, in part, that "[t]he Commission may approve fill as necessary to the welfare of the public in the entire Bay Area to protect historic structures...." Regulation Section 10704 includes a number of tests that a project must meet before it can qualify for approval under this section. In this case, the Commission must find and declare that: (1) "the fill would be necessary to repair, maintain or rehabilitate a structure that has been listed on the National Register of Historic Places or as California Registered Historical Landmark"; (2) "the repair, maintenance or

rehabilitation project would be limited to the site of the historic structure and would not result in a significant increase in Bay coverage"; (3) "the fill is necessary because it is physically impracticable to repair, maintain or rehabilitate the structure without filling"; (4) "the amount and type of fill is the minimum necessary and the least detrimental to accomplish the repair, maintenance or rehabilitation of the structure"; (5) "the repair, maintenance or rehabilitation project including all fill associated with the project, would not alter the structure's historical designation"; (6) "the repair, maintenance, or rehabilitation project, including all fill associated with the project, would not adversely affect the present or future use of the area for water-oriented priority lands uses..."; (7) "maximum feasible public access would be provided as part of the repair, maintenance or rehabilitation project"; and (8) "the repair, maintenance or rehabilitation project, including all fill associated with the project, would comply with the provisions of Regulation Sections 66661 et seq. and the San Francisco Bay Plan, except those policies limiting fill to water-oriented uses."

The environmental assessment should clearly define the project and analyze its consistency with the McAtcer-Petris Act, the Bay Plan, and Commission Regulation Section 10704.

Public Access

Section 66602 of the McAtcer-Petris Act states, in part, that: "existing public access to the shoreline and waters of the San Francisco Bay is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided...." The *San Francisco Bay Plan* policies on public access further state that "maximum feasible public access should be provided in and through every new development in the Bay or on the shoreline...the access should be permanently guaranteed...should be consistent with the physical environment, including protection of natural resources...provide for the public's safety and convenience...and built to encourage diverse Bay related activities and movement to and along the shoreline...."

The environmental assessment should include a description of the existing public access at FMC, how the proposed project could impact existing public access, and where new public access will or could be provided.

Conclusions

Thank you for the opportunity to comment on this scoping letter for the Environmental Assessment to be prepared for the Long-Term Lease of FMC. If you have any questions regarding this letter or the Commission's policies, please call me at (415) 352-3618.

Sincerely,

A handwritten signature in black ink, appearing to read "AM Gaut", written over the printed name.

ANDREA M. GAUT
Coastal Program Analyst